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Attorneys for Defendants
RESURGENT CAPITAL SERVICES
L.P., LVNV FUNDING, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DONNA GARCIA

Plaintiff,

vs.

RESURGENT CAPITAL SERVICES L.P.,
LVNV FUNDING, LLC, THE
BRACHFELD LAW GROUP, P.C. a.k.a.
BRACHFELD & ASSOCIATES, P.C. and
DOES 1-10,

Defendants.

Case No.: 11cv-01253 EMC

**STIPULATION CONTINUING THE
HEARING OF PLAINTIFF'S MOTION
FOR ATTORNEY'S FEES AND COST;
[PROPOSED] ORDER**

HON. EDWARD M. CHEN

Trial: Vacated

Whereas plaintiff Donna Garcia filed a motion for an award of attorney's fees and costs on Thursday, June 7, 2012 scheduling the date of the hearing on the motion for Friday, July 13, 2012, and, Whereas counsel for defendants Resurgent Capital Services LP and LVNV Funding, LLC has a preexisting hearing scheduled on July 13, 2012 in the Los Angeles County Superior Court, pursuant to the United States District Court for the Northern District of California Local Rules, Rules 5-4, 6-2, and 7-12, by and through their

1 respective counsel, the parties hereby stipulate that the hearing on plaintiff's motion for
2 attorney's fees and costs is continued to Friday, July 27 at 1:30 p.m.

3 The parties have not previously requested a continuance of the pending motion for
4 an award of attorney's fees and costs and there are no other hearings, deadlines or events
5 scheduled in this case.

6 IT IS SO STIPULATED

7 Dated: June 8, 2012

HINSHAW & CULBERTSON LLP

8
9 /s/ David Ian Dalby

10 Attorneys for Defendant Resurgent Capital
Services, LP and LVNV Funding LLC

11 Dated: June 8, 2012

BRACHFELD LAW GROUP P.C.

12
13 /s/ Jon Birdt

14 Attorneys for Defendant Brachfeld Law
Group P.C.

15 Dated: June 8, 2012

RONALD WILCOX, ESQ.

16
17 /s/ Ronald Wilcox

Attorney for Plaintiff Donna Garcia

18 PURSUANT TO STIPULATION, IT IS SO ORDERED

19 Dated: _____

20 _____
JUDGE OF THE SUPERIOR COURT

DECLARATION OF DAVID IAN DALBY

I, David Ian Dalby declare,

1. I am an attorney licensed to practice in the State of California and I am admitted to practice before this court. I have personal knowledge of the facts recited in this declaration and could competently testify thereto if called upon to do.

2. On Thursday, June 7, 2012, plaintiff filed a motion for an award of attorney's fees and costs, scheduling the hearing on the motion for Friday, July 13, 2012.

3. I am the attorney for Lifeforce Cryobank Sciences, Inc. in two law suits pending in the Los Angeles County Superior Court, *Hidalgo v. Kazi Foods, Inc., et al*, Case No. BC 450323 and *McCoy v. Syed Raheel, et al*. Case No. BC 461679. There is a long scheduled hearing date in those two cases on July 13, 2012 to address the latest round of attacks on the plaintiffs' respected amended complaints in those actions and an award of attorneys to fees to defendants, including Lifeforce.

4. On Friday, June 8, 2012, I contacted plaintiff Donna Garcia's attorney, Ronald Wilcox, and requested that he stipulate to a continuance of the July 13, 2012 hearing on the motion for an award of attorney's fees and costs in view of the conflict in my schedule. Mr. Wilcox agreed to do so.

5. I am also counsel for Sioux Honey Association, Cooperative in *Brod v. Sioux Honey Association, Cooperative*, U.S.D.C., N. Cal., Case No. CV 12 12645 EMC. There is currently pending a motion to dismiss plaintiff Brod's first amended complaint by Sioux Honey Association which is scheduled to be heard on Friday, July 20, 2012.

6. The parties have not previously requested a continuance of the pending motion to for an award of attorney's fees and costs, and there are no other hearings, deadlines or events scheduled in this case.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: June 8, 2012

/s/ David Ian Dalby